

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VENETIAN CASINO RESORT, LLC, a
Nevada limited liability company,

Plaintiff,

v.

LEHRER MCGOVERN BOVIS, INC., a
New York corporation, and BOVIS, INC.,
a New York corporation, and THE
PENINSULAR AND ORIENTAL STEAM
NAVIGATION COMPANY, a foreign
corporation,

Defendants.

AND ALL RELATED ACTIONS.

Case No. 2:99-CV-00963-KJD-LRL

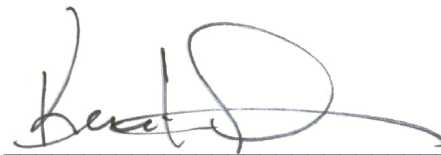
ORDER

Presently, the Court has before it Plaintiff's Motion to Confirm Arbitration Award and Enter Judgment (#545). In its motion, Plaintiff seeks to confirm the arbitration award made by Arbitrator Michael Shane dated January 28, 2005, and to have judgment entered against Lehrer McGovern Bovis, Inc. now known as Bovis Lend Lease LMB, Inc. ("LMB") and Midwest Drywall Company, Inc. ("Midwest"). On February 28, 2006, Plaintiff and Defendants entered into a Joint Stipulation and Order for Partial Dismissal with Prejudice (#554). In the stipulation, Plaintiff dismissed with

1 prejudice all claims and actions asserted against Defendants in its complaint and Defendant LMB
2 dismissed with prejudice all claims and actions asserted against Plaintiff in Defendant's counterclaim
3 with the exception of some "Reserved Claims." Included in these Reserved Claims were Plaintiff's
4 claims against LMB for recovery of OCIP credits that Plaintiff asserts are owed from the trade
5 contractors and that pass through to those trade contractors listed on Exhibit A (which was attached
6 to the stipulation.) Midwest Drywall Company, Inc. does not appear to be one of the listed trade
7 contractors. It thus appears that the stipulation to dismiss has rendered the instant motion moot.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Confirm Arbitration
9 Award and Enter Judgment (#545) is **DENIED**.

10 DATED this 30th day of March 2006.

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14 Kent J. Dawson
United States District Judge
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